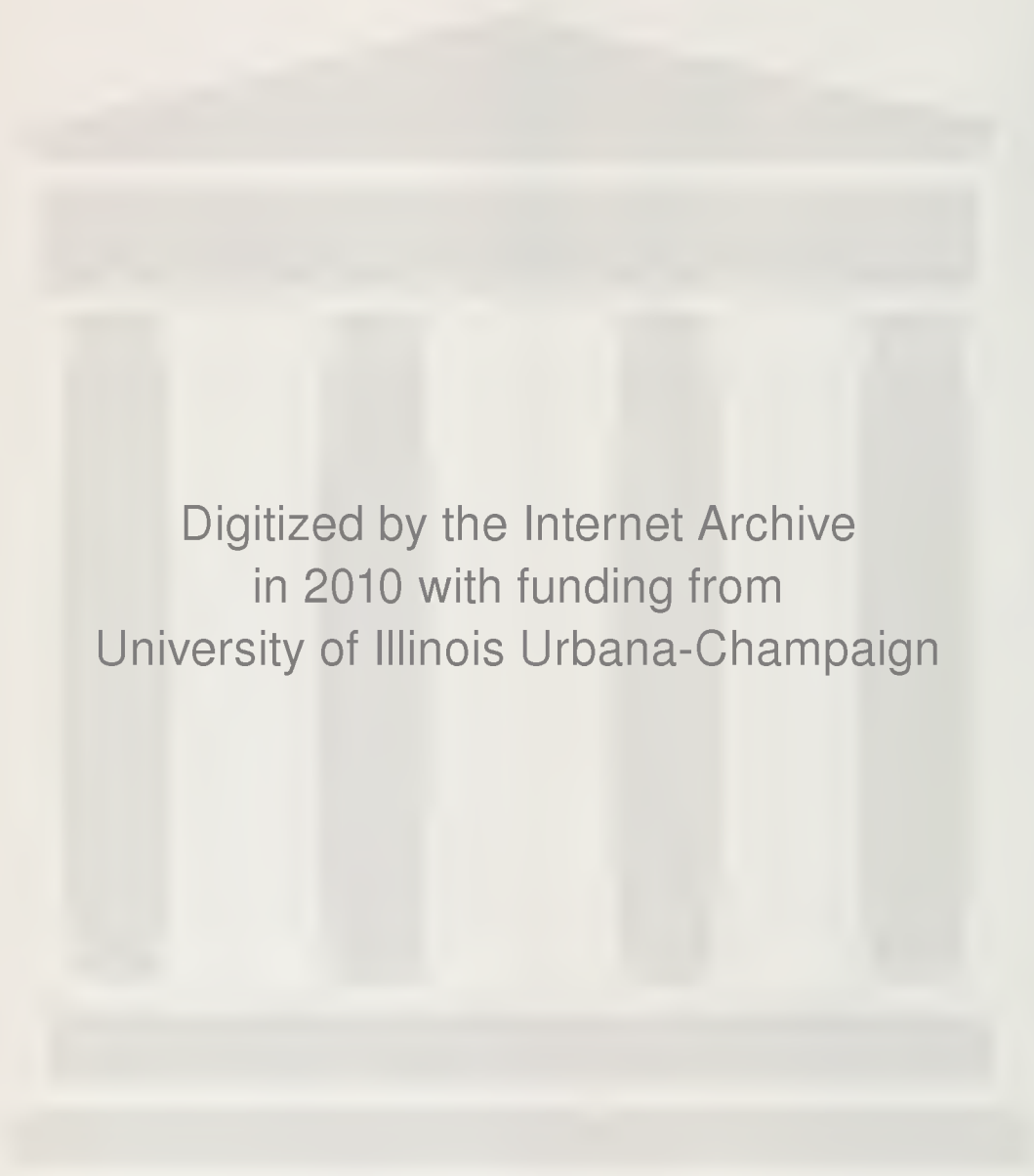
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MUNICIPAL FRANCHISES: A Bibliography

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MUNICIPAL FRANCHISES: A BIBLIOGRAPHY

by

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Part of the 'urban crisis' that has been spoken to and written about so frequently refers to and is defined by the limited fiscal resources available to cities. Whereas the federal government can operate at a deficit, and simply print the money needed to back up its obligations, cities cannot do so.

While many critics decry the use of a property tax as a regressive, unfair basis for measuring wealth - hitting hard at the poor and only mildly at the rich - property taxes comprise usually between 25% and 50% of a city's income.

The remainder of a city's funds must come from a multitude of other sources: fees; fines; concessions; rentals; service and user charges; gifts; grants (both state and federal); other taxes (such as sales, payroll, or income); tax reimbursements from the state (such as cigarette, gasoline, and liquor taxes); and franchise incomes.

A franchise is a contract drawn between the city and some individual or corporation, providing that that person or corporation may use the city streets, alleys, and byways to provide specific goods or services to a (geographical) segment

of the city's population. Such goods or services include, but are not limited to: supply of water; sewerage treatment; electricity; steam heat; natural gas; pipeline transportation of oil; railroads; buses/mass transportation systems; ambulances; taxicabs; refuse collection and disposal; cable television; telegraph systems; and telephone systems.

Franchise fees are essentially the rental of public thorofares for private use by an individual or firm, and usually constitute a percentage of the gross revenue of that individual or firm in any fiscal quarter/year.

While historically a franchise could have been granted in either an exclusive or non-exclusive manner - the former guaranteeing the bidding firm exclusive rights to provide a service or good in a monopolistic manner to an area of the city - most court decisions since the late 1930's have sought to prevent the practice of granting exclusive franchises. However, in the case of certain utilities, some states have adopted a 'territorial allocation' law dividing up a state's land area between competing companies, in large part to maintain the economic strength of companies having need for a large amount of fixed capital investment, such as power and telephone companies.

As can be noted from the following bibliographic entries, many of the general works dealing with municipal franchises and franchising practices are more than 20 years old, while a good deal of the more recent materials are devoted to

enumerations of sources and amounts of revenue derived from franchising. Strongly indicated is a need for new, current research based on the changing state laws and on the changing roles of local government relative to home rule and to local control of municipal matters.

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